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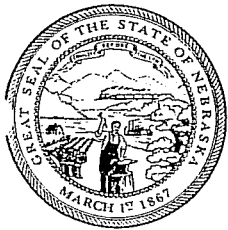
September 30, 2009

Clare Duda, Commissioner
Douglas County
1819 Farnam, Ste. LC-2
Omaha, NE 68183

Enclosed is the National Pollutant Discharge Elimination System sMS4 General Permit
NER210000 for Douglas County (NER210001).

Should you have any questions, please call Blayne Renner with the Water Quality Division,
Storm Water Section at 402-471-8330.

Thank you.



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Director

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Authorization to Discharge Under the National Pollutant Discharge Elimination System (NPDES)

**General NPDES Permit Number NER210000 Authorizing Storm Water Discharges
to waters of the State from Small Municipal Separate Storm Sewer Systems
Located in Douglas, Sarpy, and Washington Counties in the State of Nebraska**

In compliance with the provisions of the Federal Water Pollution Control Act (33 U.S.C. Sections. 1251 et. seq. as amended to date), the Nebraska Environmental Protection Act (Neb. Rev. Stat. Sections 81-1501 et. seq. as amended to date), and the Rules and Regulations promulgated pursuant to these Acts, the Director of the Nebraska Department of Environmental Quality is hereby issuing this general permit authorizing the discharge of pollutants to waters of the State. This general permit establishes prohibitions, limitations and other conditions pertaining to these discharges. This general permit does not relieve permittees of other duties and responsibilities under the Nebraska Environmental Protection Act, as amended, or established by regulations promulgated pursuant thereto.

NPDES General Permit No.: **NER210000**

Permittee: **Small Municipal Separate Storm Sewer Systems (sMS4) as defined in NDEQ Title 119, Chapter 10 002.10 within Douglas, Sarpy, and Washington Counties of Nebraska**

Facility Locations: **Located in Douglas, Sarpy, and Washington Counties of Nebraska**

Effective Date: **October 1, 2009**

Expiration Date: **September 30, 2014**

Pursuant to the Delegation Memorandum dated January 12, 1999 and signed by the Director, the undersigned hereby executes this document on the behalf of the Director.

Signed this 30th day of September, 2009

Patrick W. Rice
Assistant Director

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Part I. Applicability

A. General Permit Program Area

This permit has application to the Small Municipal Separate Storm Sewer System (sMS4) discharges to waters of the State of Nebraska located within the counties of Douglas, Sarpy, and Washington of the State of Nebraska.

B. Eligibility

1. This permit authorizes discharges of storm water from small municipal separate storm sewer systems (sMS4s), as defined in NDEQ Title 119, Chapter 10 002.10. You are authorized to discharge under the terms and conditions of this general permit if you:
 - a. Operate a Small Municipal Separate Storm Sewer System within the permit area described in the General Permit Program Area;
 - b. Are not a “large” or “medium” Municipal Separate Storm Sewer System as defined in NDEQ Title 119, Chapter 1 059, Title 119, Chapter 1 065; and
 - c. Submits a Notice of Intent (NOI) in accordance with **Part II**; and
 - d. Are located fully or partially within an urbanized area as determined by the latest Decennial Census by the Bureau of Census, or are designated by the permitting authority pursuant to NDEQ Title 119, Chapter 10 002.
2. This permit authorizes point-source discharges of municipal storm water and other authorized flows from the Small Municipal Separate Storm Sewer Systems. The discharges provided coverage under this permit are limited to the following:
 - a. Municipal storm water that originates from within the General Permit Program Area;
 - b. Storm water from areas outside the General Permit Program Area that flows into and through the Small Municipal Separate Storm Sewer Systems and for which a separate permit is not required;
 - c. *Storm water discharges associated with industrial activity* as defined in NDEQ Title 119, Chapter 1 117 and 118 that are authorized under a separate NPDES permit or that are in-compliance with the No Exposure Certification requirements;
3. Non-Storm water discharges that are either;
 - a. Authorized under a separate NPDES permit;
 - b. Being addressed in accordance with the Illicit Discharge Identification procedures set forth in the municipal entity’s Storm Water Management Plan; or
 - c. Other *Allowable Non-Storm Water Discharges* (See **Part IV B. 3. a. 6**).

C. Limitations on Coverage

This permit does not authorize:

1. Discharges that are mixed with sources of non-storm water unless such non-storm water discharges are:
 - a. In compliance with a separate NPDES permit (e.g. non-contact cooling water discharges);
 - b. Storm water discharges currently covered under another permit; or
 - c. Determined not to be a substantial contributor of pollutants to waters of the State of Nebraska.
2. Storm water discharges associated with industrial activity as defined in NDEQ Title 119, Chapter 1 117.
3. Storm water discharges associated with construction activity as defined in NDEQ Title 119, Chapter 1 118.
4. Storm water discharges that may impact endangered or threatened species or their habitat.
5. Discharges that do not comply with the state’s anti-degradation policy for water quality standards. State anti-degradation policies can be obtained from the NDEQ web site.

Part II. Notice of Intent Requirements

A. Obtaining Authorization

1. To be authorized to discharge storm water from sMS4s, you must submit a Notice of Intent (NOI) and a description of your storm water management program in accordance with the deadlines presented in this permit.

2. Unless notified by NDEQ to the contrary, dischargers who submit an NOI in accordance with the requirements of this permit are authorized to discharge storm water from sMS4s under the terms and conditions of this permit thirty days after the date that the NOI is postmarked. Dischargers who submitted an NOI prior to authorization of this permit will be authorized to discharge storm water from sMS4s upon authorization of this permit. The Department may deny coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information (See **Appendix A Part A. 15**).
3. Where the Cognizant Official or Authorized Representative changes, or where a new Authorized Representative is added after submittal of an NOI a new Signatory Authorization Form must be submitted (See **Appendix A Part B. 2**) within 30 days after the change.

B. Designation after Permit Issuance

If the NDEQ requires you to apply after the permit issuance date, you must seek coverage under this permit. To seek coverage you must submit an NOI and a description of your storm water management program to the NDEQ. Coverage is required within 180 days after receipt of the notice.

C. Contents of the Notice of Intent

The Notice(s) of Intent must be signed in accordance with the signatory requirements (See **Appendix A Part B. 1.**). The following information must be included:

1. Information on the Permittee;
2. The name of your municipal entity/ state agency/federal agency, name of the Cognizant Official, title, mailing address, and telephone number;
3. An indication of whether you are a Federal, State, or other public entity;
4. The name of the Authorized Representative, title, mailing address, and telephone number;
5. Information on the Municipal Separate Storm Sewer System;
6. The Urbanized Area or Core Municipality (if you are not located in an Urbanized Area) where your system is located; the name of your organization, county where your sMS4 is located, and the latitude and longitude of an approximate center of your Small Municipal Separate Storm Sewer Systems (sMS4);
7. The name of the major receiving water(s) and an indication of whether any of your receiving waters are on the latest CWA §303(d) list of impaired waters. If you have discharges to 303(d) waters, a certification that your Storm Water Management Program complies with the requirements of **Part III.**;
8. Information on your chosen best management practices (BMPs) and the measurable goals for each of the storm water minimum control measures (See **Part IV. B.**). Your time frame for implementing each of the BMPs, and the person or persons responsible for implementing or coordinating your Storm Water Management Program.;
9. If you are relying on another governmental entity regulated under the storm water regulations NDEQ Title 119, Chapter 10 002.11C to satisfy one or more of your permit obligations, the entity identity and the element(s) they will be implementing shall be identified (See **Part V.**);
10. Certification of whether you have met eligibility criteria for protection of threatened or endangered species, critical habitat, and historic properties.

D. Where to Submit

1. Authorization to discharge under this general permit may be applied for by submitting a Notice of Intent (NOI) using sMS4-NOI, or an equivalent format approved by the Department. Your NOI must be signed in accordance with the signatory requirements (See **Appendix A Part B.**). The sMS4-NOI can be obtained by contacting the Nebraska Department of Environmental Quality at the following address:

Mailing Address and Telephone Number:

Wastewater Section
Nebraska Department of Environmental Quality
P.O. Box 98922
1200 N Street, The Atrium, Suite 400
Lincoln, Nebraska 68509-8922
Telephone (402) 471-4220

2. Co-Permittees Under a Single NOI

You may partner with another NPDES Program sMS4 to develop and implement your storm water management program. You may also jointly submit an NOI with one or more sMS4s. Each sMS4 must fill out the sMS4-NOI (Attachment #1) or sMS4-NOI-Reapplication (Attachment #2) – Notice of Intent for a sMS4. The description of your storm water management program must clearly describe which permittees are responsible for implementing each of the control measures.

Part III. Special Conditions

A. Discharges to Water Quality Impaired Waters

The following changes may be required, if the sMS4 discharges into impaired receiving waters or to protect endangered or threatened species or their habitat:

1. Storm Water Monitoring Plan changes;
2. Monitoring requirements changes; and
3. Reporting Requirements.

B. Total Maximum Daily Load (TMDL) Allocations

If a TMDL has been approved for the sMS4 receiving waters, changes in the Storm Water Monitoring Plan may be required. These changes may include additional monitoring requirements and reporting requirements. These requirements will be established pursuant to the Federal Clean Water Act.

To comply with any future TMDL requirement, you must:

1. Document all control measures currently being implemented or are being planned to be implemented.
2. Include a schedule of implementation for all planned controls.
3. Document the calculations or other evidence that shows that the WLA will be met.
4. Describe a monitoring program to determine whether the storm water controls are adequate to meet the WLA.
5. If the evaluation shows that additional or modified controls are necessary, describe the type and schedule for the control additions/revisions.
6. Document until two continuous monitoring cycles show that the WLAs are being met or that WQ standards are being met.

Part IV. Storm Water Management Plan (SWMP)

A. Requirements

1. The permittee is required to submit a Notice of Intent (NOI) and a storm water management program description. The storm water management program description shall include the following information:
 - a. How you plan to develop, implement, and enforce a storm water management program;
 - b. How is the plan designed to reduce the pollutant discharge from your sMS4 to the maximum extent practicable (MEP);
 - c. How the management plan is to protect water quality and satisfy the appropriate water quality requirements of the Clean Water Act:
 - 1) The storm water management program should include management practices; control techniques and system design, and engineering methods;
 - 2) The permitting authority may determine other appropriate provisions for the control of such pollutants;
 - 3) The storm water management plan must include information for each of the six minimum control measures described in this permit (See **Part IV. B.**).
2. The best management practices (BMPs) that you or another entity will implement for each of the storm water minimum control measures.
3. The measurable goals for each of the BMPs including, as appropriate; the months and years in which you will undertake required actions; this includes interim milestones and the frequency of the action.
4. The person or persons responsible for implementing or coordinating the BMPs for your storm water management program.

5. In addition to the previously listed requirements:
 - a. Provide a rationale for the selection of each storm water management program BMPs and its measurable goals;
 - b. The information required for such a rationale is given for each minimum measure (See Part IV. B).
 - c. Implementation schedules must be completed prior to the end of this permit term.

B. Minimum Control Measures

The six minimum control measures that must be included in your storm water management program are:

1. Public Education and Outreach on Storm Water Impacts

a. Permit requirement.

You must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.

b. Decision process.

You must document your decision process for the development of a storm water public education and outreach program. Your rationale statement must address your overall public education program, the individual BMPs, measurable goals and responsible persons for your program. The rationale statement must include the following information, at a minimum:

- 1) How you plan to inform individuals and households about the steps they can take to reduce storm water pollution.
- 2) How you plan to inform individuals and groups on how to become involved in the storm water program (with activities such as local stream restoration activities).
- 3) Who are the target audiences for your education program who are likely to have significant storm water impacts (including commercial, industrial and institutional entities) and why those target audiences were selected.
- 4) What are the target pollutant sources your public education program is designed to address?
- 5) What is your outreach strategy, including the mechanisms (e.g., printed brochures, newspapers, media, workshops, etc.) you will use to reach your target audiences, and how many people do you expect to reach by your outreach strategy over the permit term.
- 6) Who is responsible for overall management and implementation of your storm water public education and outreach program and, if different, who is responsible for each of the BMPs identified for this program.
- 7) How you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.

2. Public Involvement/Participation

a. Permit requirement.

You must at a minimum, comply with State and local public notice requirements when implementing a public involvement/participation program.

b. Decision process.

You must document your decision process for the development of a storm water public involvement/participation program. Your rationale statement must address your overall public involvement/participation program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale statement must include the following information, at a minimum:

- 1) How you have involved the public in the development and submittal of your NOI and storm water management program.
- 2) What is your plan to actively involve the public in the development and implementation of your program?
- 3) Who are the target audiences for your public involvement program, including a description of the types of ethnic and economic groups engaged? You are encouraged to actively involve all potentially affected stakeholder groups, including commercial and industrial businesses, trade

associations, environmental groups, homeowners associations, and educational organizations, among others.

- 4) What are the types of public involvement activities included in your program? Where appropriate, consider the following types of public involvement activities:
 - (a) Citizen representatives on a storm water management panel;
 - (b) Public hearings;
 - (c) Working with citizen volunteers willing to educate others about the program;
 - (d) Volunteer monitoring or stream/beach clean-up activities;
 - (e) Who is responsible for the overall management and implementation of your storm water public involvement/participation program and, if different, who is responsible for each of the BMPs identified for this program.
 - (f) How you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.

3. Illicit Discharge Detection and Elimination

a. Permit requirements:

- 1) Develop, implement and enforce a program to detect and eliminate illicit discharges (as defined in NDEQ Title 119, Chapter 1 051) into your Small Municipal Separate Storm Sewer Systems (sMS4);
- 2) Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the state that receive discharges from those outfalls;
- 3) To the extent allowable under State or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into your storm sewer system and implement appropriate enforcement procedures and actions;
- 4) Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to your system;
- 5) Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste; and
- 6) Address the following categories of non-storm water discharges or flows (i.e., illicit discharges) only if you identify them as significant contributors of pollutants to your Small Municipal Separate Storm Sewer Systems (sMS4):
 - (a) Routine water line flushing
 - (b) Landscape irrigation
 - (c) Diverted stream flows
 - (d) Rising ground waters
 - (e) Uncontaminated ground water infiltration (as defined at 40 CFR §35.2005[20])
 - (f) Uncontaminated pumped ground water
 - (g) Non-routine, uncontaminated discharges from potable water sources
 - (h) Foundation drains
 - (i) Air conditioning condensation
 - (j) Irrigation water
 - (k) Springs
 - (l) Uncontaminated water from crawl space pumps
 - (m) Footing drains
 - (n) Flows from riparian habitats and wetlands
 - (o) Dechlorinated swimming pool discharges
 - (p) Street wash water
 - (q) Discharges or flows from fire fighting activities are excluded from the effective prohibition

against non-storm water and need only be addressed where they are identified as significant sources of pollutants to waters of the state.

- 7) You may also develop a list of other similar occasional incidental non-storm water discharges (e.g. non-commercial or charity car washes, etc.) that will not be addressed as illicit discharges. These non-storm water discharges must not be reasonably expected (based on information available to the permittees) to be significant sources of pollutants to the Municipal Separate Storm Sewer System, because of either the nature of the discharges or conditions you have established for allowing these discharges to your Small Municipal Separate Storm Sewer System (sMS4) (e.g., a charity car wash with appropriate controls on frequency, proximity to sensitive water bodies, BMPs on the wash water, etc.). You must document in your SWMP any local controls or conditions placed on the discharges. You must include a provision prohibiting any individual non-storm water discharge that is determined to be contributing significant amounts of pollutants to your sMS4.

b. *Decision process.*

You must document your decision process for the development of a storm water illicit discharge detection and elimination program. Your rationale statement must address your overall illicit discharge detection and elimination program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale statement must include the following information, at a minimum:

- 1) How you will develop a storm sewer map showing the location of all outfalls and the names and location of all receiving waters. Describe the sources of information you used for the maps, and how you plan to verify the outfall locations with field surveys. If already completed, describe how you developed this map. Also, describe how your map will be regularly updated.
- 2) The mechanism (ordinance or other regulatory mechanism) you will use to effectively prohibit illicit discharges into the Small Municipal Separate Storm Sewer System (sMS4) and why you chose that mechanism. If you need to develop this mechanism, describe your plan and a schedule to do so. If your ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your program.
- 3) Your plan to ensure through appropriate enforcement procedures and actions that your illicit discharge ordinance (or other regulatory mechanism) is implemented.
- 4) Your plan to detect and address illicit discharges to your system, including discharges from illegal dumping and spills. Your plan must include dry weather field screening for non-storm water flows and field tests of selected chemical parameters as indicators of discharge sources. Your plan must also address on-site sewage disposal systems that flow into your storm drainage system. Your description must address the following, at a minimum:
 - (a) Procedures for locating priority areas which includes areas with higher likelihood of illicit connections (e.g., areas with older sanitary sewer lines, for example) or ambient sampling to locate impacted reaches.
 - (b) Procedures for tracing the source of an illicit discharge, including the specific techniques you will use to detect the location of the source.
 - (c) Procedures for removing the source of the illicit discharge;
 - (d) Procedures for program evaluation and assessment.
- 5) How you plan to inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste. Include in your description how this plan will coordinate with your public education minimum measure and your pollution prevention/good housekeeping minimum measure programs.
- 6) Who is responsible for overall management and implementation of your storm water illicit discharge detection and elimination program and, if different, who is responsible for each of the BMPs identified for this program.
- 7) How you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.

4. Construction Site Storm Water Runoff Control

a. *Permit requirement.*

You must develop, implement, and enforce a program to reduce pollutants in storm water runoff to your Small Municipal Separate Storm Sewer System (sMS4) from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If the NPDES permitting authority waives requirements for storm water discharges associated with small construction activity in accordance with NDEQ Title 119, Chapter 10 004.02D4 you are not required to develop, implement, and/or enforce a program to reduce pollutant discharges from such sites. Your program must include the development and implementation of, at a minimum:

- 1) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State or local law;
- 2) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;
- 3) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
- 4) Procedures for site plan review which incorporate consideration of potential water quality impacts;
- 5) Procedures for receipt and consideration of information submitted by the public; and
- 6) Procedures for site inspection and enforcement of control measures.

b. *Decision process.*

You must document your decision process for the development of a construction site storm water control program. Your rationale statement must address your overall construction site storm water control program and the individual BMPs, continued measurable goals, and responsible persons for your program. The rationale statement must include the following information, at a minimum:

- 1) The mechanism (ordinance or other regulatory mechanism) you will use to require erosion and sediment controls at construction sites and why you chose that mechanism. If you need to develop this mechanism, describe your plan and a schedule to do so. If your ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your storm water management program description.
- 2) Your plan to ensure compliance with your erosion and sediment control regulatory mechanism, including the sanctions and enforcement mechanisms you will use to ensure compliance. Describe your procedures for when you will use certain sanctions. Possible sanctions include non-monetary penalties (such as stop work orders), fines, bonding requirements, and/or permit denials for non-compliance.
- 3) Your requirements for construction site operators to implement appropriate erosion and sediment control BMPs and control waste at construction sites that may cause adverse impacts to water quality. Such waste includes discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste.
- 4) Your procedures for site plan review, including the review of pre-construction site plans, which incorporate consideration of potential water quality impacts. Describe your procedures and the rationale for how you will identify certain sites for site plan review, if not all plans are reviewed. Describe the estimated number and percentage of sites that will have pre-construction site plans reviewed.
- 5) Your procedures for receipt and consideration of information submitted by the public. Consider coordinating this requirement with your public education program.
- 6) Your procedures for site inspection and enforcement of control measures, including how you will prioritize sites for inspection.
- 7) Who is responsible for overall management and implementation of your construction site storm water control program and, if different, who is responsible for each of the BMPs identified for

this program.

- 8) Describe how you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.

5. Post-Construction Storm Water Management in New Development and Redevelopment

a. *Permit requirement.* You must:

- 1) Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into your Small Municipal Separate Storm Sewer System (sMS4). Your program must ensure that controls are in place that would prevent or minimize water quality impacts;
- 2) Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for your community; and
- 3) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law; and
- 4) Ensure adequate long-term operation and maintenance of BMPs.

b. *Decision process:*

You must document your decision process for the development of a post-construction storm water control program. Your rationale statement must address the overall post-construction storm water control program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale statement must include the following information, at a minimum:

- 1) The mechanism (ordinance or other regulatory codes) you will use to require post-construction controls at new development and redevelopment projects and why you chose that mechanism. If you need to develop this mechanism, describe your plan and a schedule to do so. If your ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your storm water management program description.
- 2) Your plan to ensure compliance with your post-construction control regulatory mechanism, including the sanctions and enforcement mechanisms you will use to ensure compliance. Describe your procedures for when you will use certain sanctions. Possible sanctions include non-monetary penalties, fines, and/or bonding requirements.
- 3) Your procedures for site plan review, including the review of pre-construction site plans, which incorporate consideration of potential water quality impacts. Describe your procedures and the rationale for how you will identify certain sites for site plan review, if not all plans are reviewed. Describe the estimated number and percentage of sites that will have pre-construction site plans reviewed.
- 4) Your procedures for receipt and consideration of information submitted by the public. Consider coordinating this requirement with your public education program.
- 5) Your procedures for control inspection and enforcement of maintenance of control measures, including how you will prioritize sites for inspection.
- 6) Who is responsible for overall management and implementation of your post-construction storm water control program and, if different, who is responsible for each of the BMPs identified for this program.
- 7) Describe how you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.

6. Pollution Prevention/Good Housekeeping for Municipal Operations

a. *Permit requirement.* You must:

- 1) Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations; and
- 2) Using training materials that are available from EPA, your State or other organizations, your program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new

construction and land disturbances, and storm water system maintenance.

b. *Decision process.*

You must document your decision process for the development of a pollution prevention/good housekeeping program for municipal operations. Your rationale statement must address your overall pollution prevention/good housekeeping program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale statement must include the following information, at a minimum:

- 1) Your operation and maintenance program to prevent or reduce pollutant runoff from your municipal operations. Your program must specifically list the municipal operations that are impacted by this operation and maintenance program. You must also include a list of industrial facilities you own or operate that are subject to NDEQ's General Permit for Industrial Storm Water Discharges or individual NPDES permits for discharges of storm water associated with industrial activity that ultimately discharge to your Small Municipal Separate Storm Sewer System (sMS4). Include the copy of the Industrial NOI form for each facility.
- 2) Any government employee training program you will use to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance. Describe any existing, available materials you plan to use. Describe how this training program will be coordinated with the outreach programs developed for the public information minimum measure and the illicit discharge minimum measure.
- 3) Your program description must specifically address the following areas:
 - (a) Maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants to your Small Municipal Separate Storm Sewer System.
 - (b) Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt/sand storage locations and snow disposal areas you operate.
 - (c) Procedures for the proper disposal of waste removed from your Small Municipal Separate Storm Sewer System and your municipal operations, including dredge spoil, accumulated sediments, floatables, and other debris.
 - (d) Procedures to ensure that new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices.
- 4) Who is responsible for overall management and implementation of your pollution prevention/good housekeeping program and, if different, who is responsible for each of the BMPs identified for this program.
- 5) How you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.

C. Resource Requirements

1. The permittee shall ensure legal authority exists to control discharges to and from the MS4 consistent with 40 CFR Part 122.26 (d)(2)(i). This authority shall include the following:
 - a. Control the contribution of pollutants to the MS4 by storm water discharges associated with industrial activity from sites of industrial activity;
 - b. Prohibit illicit discharges to the MS4;
 - c. Control the discharge of spills and the dumping or disposal of material other than storm water into the MS4;
 - d. Require compliance with conditions in ordinances, permits, contracts and orders; and
 - e. Carry out all inspections, surveillance and monitoring procedures necessary to determine compliance with the conditions in this permit.

2. The permittee shall provide adequate program resources (i.e. fiscal support, staff, equipment, support capabilities, etc.) to implement the requirements set forth in this permit.

Part V. Sharing Responsibility

A. Implementation of the Minimum Measures

Implementation of one or more of the minimum measures may be shared with another entity, or the entity may fully take over the measure. You may rely on another entity only if:

1. The other entity, in fact, implements the control measure;
2. The particular control measure, or component of that measure, is at least as stringent as the corresponding permit requirement.

B. The Other Entity Responsibility

The other entity agrees to implement the control measure on your behalf. Written acceptance of this obligation is expected. This obligation must be maintained as part of the description of your storm water management program. If the other entity agrees to report on the minimum measures, you must supply the other entity with the reporting requirements contained in **Part VI. A** of this permit. If the other entity fails to implement the control measure on your behalf, then you remain liable for any discharges due to that failure to implement.

Part VI. Reporting Requirements

A. Annual Report

The permittee shall prepare a calendar year, annual report to be submitted to the Department no later than April 1st of each year. The report shall cover the following elements.

1. A SWMP implementation report containing:
 - a. The information requested in the six minimum controls and the implementation schedules, including:
 - 1) The status of the municipality's compliance with its permit conditions;
 - 2) An assessment of the appropriateness of the identified best management practices;
 - 3) Progress towards achieving the statutory goal of reducing the discharge of pollutants to the Maximum Extent Practicable (MEP);
 - 4) A statement concerning the measurable goals for each of the minimum control measures;
 - 5) Results of information collected and analyzed, if any, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the maximum extent practicable.;
 - 6) A summary of the storm water activities you plan to undertake during the next reporting cycle (including an implementation schedule); and
 - 7) Notice that you are relying on another government entity to satisfy some of your permit obligations (if applicable).
 - b. The locations of the representative storm water discharge monitoring outfalls (residential, commercial, and industrial); and
 - c. A summary of all SWMP revisions that have occurred and any proposed revisions that may be under consideration.
2. Wet weather monitoring information including:
 - a. Rainfall event, flow, and pollutant concentration summary information;
 - b. Calculated estimates of the pollutant masses discharged on both an event and an annual basis;
 - c. The Event Mean Concentrations (EMC's) from the Small Municipal Separate Storm Sewer Area;
 - d. Identification of any water quality improvements or degradation recognized; and
 - e. A summary of any conclusions concerning SWMP revisions or BMP practices that were drawn from all the monitoring data collected. To comply with Part IV of this permit, these conclusions shall be included in the annual report as an attachment to sMS4 - SEMR.
3. A statement of the previous fiscal year's expenditures for implementation of the SWMP and the budget for the current fiscal year.

4. An update on the incorporated limits of the municipal entity or the Small Municipal Separate Storm Sewer System area if different than the incorporated limits.
5. In the annual report a summary analysis of the BMP assessment monitoring findings.

B. Semi-Annual Progress Reports

1. The permittee shall submit semi-annual reports on SWMP implementation progress, until implementation of required SWMP elements has been initiated. These reports shall cover the January thru June time period and shall be submitted on or before October 1st of each year. If the implementation schedules established pursuant to this permit are being met, the report needs to simply certify that. If the implementation schedule has not been met (or may not be met in the future), the permittee shall submit an explanation of why and propose an alternative implementation deadline. The Department shall consider the permittee's report in making compliance and schedule extension determinations (Also see *SWMP Amendment Proposals and Approvals*).
2. Semi-annual reports may be in a letter or report format. In most instances, it is anticipated that they will be brief in nature. The Department may request additional information if needed to finalize compliance and schedule extension determinations.
3. Note: The BMP Assessment Monitoring Plan is also due one year after the issuance of authorization.

C. Amendment of Reporting Requirements

The reporting requirements set forth above may be amended in accordance with procedures set forth in Part VII.

D. Immediate Reporting Requirements

The permittee shall immediately report to the Department by telephone upon becoming aware of any of the following:

1. Evidence that a discharge or sludge may be causing distress to fish, aquatic life, plant life, wildlife or livestock; and/or
2. Any new knowledge of spills, leaks or contamination that could impact authorized discharges to surface or ground waters.

E. Record Keeping and Additional Reporting Requirements

The *Standard Conditions, Appendix A*, contains additional reporting and record keeping requirements. See the following subparts of *Standard Conditions: Monitoring and Records* (Appendix A, Part C.), and *Reporting Requirements* (Appendix A, Part D.).

Part VII. Amendment Procedures and Requirements

A. Amendment Procedures

1. Either the Department or the municipal entity may propose amendments to the SWMP, monitoring requirements and reporting requirements. Amendments may be proposed either formally or informally. Proposed amendments shall not be implemented without agreement from both the Municipality and the Department.
2. Any such amendments must comply with the applicable requirements set forth in NDEQ Title 119.
3. Amendments that are mutually agreeable shall be implemented in accordance with written Department approval.
4. To further pursue proposed amendments that are not mutually agreeable, a written amendment request shall be forwarded to the other party. A reasonable time of at least 30 days shall be provided for the other party to review the proposals, and prepare comments, alternatives, and/or objections. A written response shall be provided within 90 days. If a final opinion is not possible during that time frame, preliminary comments will be provided.
5. After a period of at least 90 days from receipt of a written amendment request, either party may request or initiate a permit modification to resolve any SWMP amendment proposals that cannot be resolved by the procedure set forth above.

B. Endangered and Threatened Species

Changes to the SWMP, monitoring requirements and reporting requirements may be required to protect endangered or threatened species or their habitat. The protection of endangered or threatened species or their habitat is required.

C. Total Maximum Daily Loads (TMDLs)

Changes to the SWMP, monitoring requirements and reporting requirements may be required to comply with any future TMDL requirements that may be established pursuant to the requirements of the Federal Clean Water Act.

Part VIII. Wet Weather Monitoring Requirements

A. Baseline Monitoring

The permittee shall conduct baseline wet weather monitoring during the second year and fourth year after the issuance of authorization. The Department must approve alternative monitoring procedures.

1. Annual Monitoring Schedule

Monitoring shall be conducted three times in each year in accordance with following schedule:

- Early Spring Flush: February through April;
- Late Spring & Summer: May through July; and
- Fall: September through November

2. Sampling Locations

The permittee shall select three representative, storm water monitoring locations. One monitoring location should represent storm water discharge from a residential area. A second monitoring location should represent storm water discharge from a commercial area. The third monitoring location should represent storm water discharge from an industrial area.

3. Monitoring Requirements

- a. Storm water shall be sampled in accordance with the requirements in NDEQ Title 119, Chapter 10 004.02C1. The Department shall approve alternative methods.
- b. Storm event information shall be recorded including storm duration, precipitation amount, number of days since previous storm event, and for snow melt events include the number of days since previous significant melting event.

c. The following parameters shall be monitored:

- 1) Grab samples shall be collected during the initial flush of the discharge. The samples shall be analyzed for the following parameters:

pH	Escherichia Coli
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Total Petroleum Hydrocarbons ^(a)	Total Cyanide
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Physical Characteristics Examination (See Attachment #3)	Temperature
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- 2) Composite samples ^(b) shall be collected during the initial flush of the discharge. The samples shall be analyzed for the following parameters:

Biochemical Oxygen Demand - 5-Day (BOD ₅)	Chemical Oxygen Demand (COD)
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Total Nitrogen (TN)	Nitrate Plus Nitrite Nitrogen
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Total Ammonia plus Organic Nitrogen	
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Dissolved Phosphorus	Total Phosphorus
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Total Dissolved Solids (TDS)	Total Suspended Solids (TSS)
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Notes:

- (a) Total petroleum hydrocarbons shall be analyzed using the OA-2 test method (University Hygienic Laboratory, Iowa City, IA; Method OA-2), unless the Department specifies an alternative method.
- (b) Composite samples may be flow or time composited, and shall be composed of at least three aliquotes taken in each hour of discharge for the entire discharge or for the first three hours of discharge (i.e., aliquots shall be collected during the first 3 hours of discharge), with each aliquot separated by at least 15 minutes

4. Best Management Practices (BMP) Assessment Monitoring

The municipal entity shall implement a wet weather-monitoring program for the Small Municipal Separate Storm Sewer Systems (sMS4) to assess the effectiveness of BMP control measures implemented under the SWMP. BMP assessment monitoring shall take place during the second year and fourth year after the issuance of authorization. The monitoring shall be conducted to evaluate the effectiveness of BMPs and to facilitate future SWMP planning. This shall include monitoring to assess BMP effectiveness with respect to impairment identified by the NDEQ pursuant to §303(d) of the Federal Clean Water Act. When available the Municipality may use monitoring data from other reliable sources (e.g. NDEQ, Nebraska Game and Parks, Natural Resource Districts, University of Nebraska).

The BMP Assessment Monitoring Plan shall be submitted for Department review and comment by October 1st of the second year after the issuance of authorization. BMP assessment monitoring may include end-of-pipe and/or in-stream water quality monitoring. The use of field test methods and other methods that do not conform to NDEQ Title 119, Chapter 27 may be used with Department approval for a portion of the monitoring plan. The monitoring effort needs to be approximately the same or greater than that required for Baseline Monitoring.

5. Coordination of Information

The permittee and NDEQ shall share and coordinate monitoring data. Data collected by other governmental entities can be used by the Permittee to help assess the effectiveness of BMPs. The data may be used to meet the monitoring requirements of this permit.

The permittee shall submit a report on the monitoring program to NDEQ, as a part of the annual report that includes:

- a. Summary of any cooperative efforts regarding monitoring within the watershed
- b. Tabulated data generated from the monitoring program
- c. Summary of the monitoring program work to date including any problems with the protocol or selected sampling locations, and recommendations for any changes to the monitoring program.

6. Amendment of Monitoring Requirements

These monitoring requirements may be amended in accordance with procedures set forth in **Part VII**.

Appendix A – Standard Conditions

These general conditions set forth below were developed in accordance with the requirements of NDEQ Titles 119, 121, 123 and Federal Regulations 40 CFR. These conditions shall not preempt any more stringent requirements found elsewhere in this permit.

A. General Conditions

1. Information Available

All permit applications, fact sheets, permits, discharge data, monitoring reports, and any public comments concerning such shall be available to the public for inspection and copying, unless such information about methods or processes is entitled to protection as trade secrets of the owner or operator under Neb. Rev. Stat. §81-1527, (Reissue 1999) and NDEQ Title 115, Chapter 4.

2. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Federal Clean Water Act and the State Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal even if the permit has not yet been modified to incorporate the requirement.

3. Duty to Reapply

The permittee shall apply for a re-issuance of this permit, if an activity regulated by this permit is to be continued after the expiration date of this permit. The application shall be submitted at least 180 days before the expiration of this permit on an application form supplied by the Department, as set forth in NDEQ Titles 119, Chapter 5 002.

4. Need to Halt or Reduce Activity is not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

5. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

6. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

7. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

8. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

9. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this

permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request copies of records required to be kept by this permit.

10. Inspection and Entry

The permittee shall allow the Director or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

11. Toxic Pollutants

The permittee shall not discharge pollutants to waters of the state that cause a violation of the standards established in NDEQ Titles 117, 118 or 119. All discharges to surface waters of the state shall be free of toxic (acute or chronic) substances which alone or in combination with other substances, create conditions unsuitable for aquatic life outside the appropriate mixing zone.

12. Oil and Hazardous Substances/Spill Notification

Nothing in this permit shall preclude the initiation of any legal action or relieve the permittee from any responsibilities, liabilities or penalties under section 311 of the Clean Water Act. The permittee shall conform to the provisions set forth in NDEQ Title 126, *Rules and Regulations Pertaining to the Management of Wastes*. If the permittee knows, or has reason to believe, that oil or hazardous substances were released at the facility and could enter waters of the state or any of the outfall discharges authorized in this permit, the permittee shall immediately notify the Department of a release of oil or hazardous substances. During Department office hours (i.e., 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays), notification shall be made to the Nebraska Department of Environmental Quality at telephone numbers (402) 471-2186 or (877) 253-2603 (toll free). When NDEQ cannot be contacted, the permittee shall report to the Nebraska State Patrol for referral to the NDEQ Immediate Response Team at telephone number (402) 471-4545. It shall be the permittee's responsibility to maintain current telephone numbers necessary to carry out the notification requirements set forth in this paragraph.

13. Unlawful Acts; Civil Penalty

- a. It shall be unlawful for any person:
 - i) To refuse the right of entry and inspection to any authorized representative of the department when the representative is acting under the provisions of a permit issued by the department;
 - ii) To violate any air, water, or land quality standards, any emission or effluent standards or limitations, any permit or license condition or limitation, any order of the director, or any monitoring, reporting, or record-keeping requirements contained in or issued or entered into pursuant to the Environmental Protection Act, the Integrated Solid Waste Management Act, or the Livestock Waste Management Act or the rules or regulations adopted and promulgated pursuant to such acts;
 - iii) To make any false statement, representation, or certification in any application, label, record, report, plan, or other document required to be filed or maintained by such acts, rules, or regulations;
 - iv) To falsify, tamper with, or render inaccurate any monitoring device or method used or required for compliance with a permit or license or such acts, rules, or regulations; or
 - v) To violate any other provision of or fail to perform any other duty imposed by such acts, rules, or regulations.

- b. Each violation of this section or of Neb. Rev. Stat § 81-1506 shall subject a person to a civil penalty of no more than \$10,000 per day. In case of a continuing violation, each day shall constitute a separate offense. In assessing the amount of the fine, the court shall consider the degree and extent of the violation, the size of the operation, and any economic benefit derived from noncompliance to violate any air, water, or land quality standards, any emission or effluent standards or limitations, any permit or license condition or limitation, any order of the Director, or any monitoring, reporting, or record-keeping requirements contained in or issued or entered into pursuant to the Environmental Protection Act, the Integrated Solid Waste Management Act, or the Livestock Waste Management Act or the rules or regulations adopted and promulgated pursuant to such acts. Violations may also result in federal prosecution.

14. Severability

If any provision of this permit is held invalid, the remainder of this permit shall not be affected.

15. Requiring an Individual Permit or an Alternative General Permit

a. Request by permitting authority

The permitting authority may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the permitting authority to take action under this paragraph. Where the permitting authority requires you to apply for an individual NPDES permit, the permitting authority will notify you in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for you to file the application, and a statement that on the effective date of issuance or denial of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Applications must be submitted to the appropriate Regional Office. The permitting authority may grant additional time to submit the application upon request of the applicant. If you fail to submit in a timely manner an individual NPDES permit application as required by the permitting authority under this paragraph, then the applicability of this permit to you is automatically terminated at the end of the day specified by the permitting authority for application submittal.

b. Request by permittee

Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, you must submit an individual application in accordance with the requirements of NDEQ Title 119, Chapter 10 002.11 with reasons supporting the request, to the permitting authority at the address for the appropriate Regional Office. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by you are adequate to support the request.

c. General permit termination

When an individual NPDES permit is issued to a discharger otherwise subject to this permit, or you are authorized to discharge under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an operator otherwise subject to this permit, or the operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the permitting authority.

16. Other Rules and Regulations Liability

The issuance of this permit in no way relieves the obligation of the permittee to comply with other rules and regulations of the Department.

B. Signatory Requirements

1. Applications

- a. Applications, reports, or information submitted to the Director shall be signed and certified.
- b. All permit applications shall be signed as follows:
 - i) For a corporation

By a responsible corporate officer: For the purpose of this section, a responsible corporate officer means:

 - (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
 - (b) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - ii) For a partnership or sole proprietorship

By a general partner or the proprietor.
 - iii) For a municipality, State, Federal, or other public agency

By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

 - (a) The chief executive officer of the agency, or
 - (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- c. All reports required by permits, and other information requested by the Director shall be signed by a person described in this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - i) The authorization is made in writing by a person described in paragraphs B.1.b(i), b(ii), or b(iii);
 - ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (a duly authorized representative may thus be either a named individual or any individual occupying a named position) and;
 - iii) The written authorization is submitted to the Director.

2. Changes to Authorization

If an authorization of paragraphs B.1.b(i), b(ii), or b(iii) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

3. Certification

All applications, reports and information submitted as a requirement of this permit shall contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is,

to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

C. Monitoring and Records

1. Samples

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

2. Records

Records of monitoring information shall include:

- a. The date(s), exact place, and time and methods of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

3. Test Methods

Monitoring must be conducted according to test procedures approved in NDEQ Title 119, Chapter 27 002 unless another method is required under 40 CFR subchapter N – Effluent Guidelines and Standards Parts 425 to 471 and subchapter O – Sewer Sludge Parts 501 and 503.

4. Record Retention

Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

5. Representative Sampling

Samples and measurements taken as required within this permit shall be representative of the discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water or substance. Monitoring points shall not be changed without notification to the Department and with the written approval of the Director.

- a. Composite sampling shall be conducted in one of the following manners
 - i) Continuous discharge - a minimum of one discrete aliquot collected every three hours,
 - ii) Less than 24 hours - a minimum of hourly discrete aliquots or a continuously drawn sample shall be collected during the discharge, or
 - iii) Batch discharge - a minimum of three discrete aliquots shall be collected during each discharge.
- b. Composite samples shall be collected in one of the following manners:
 - i) The volume of each aliquot must be proportional to either the waste stream flow at the time of sampling or the total waste stream flow since collection of the previous aliquot,
 - ii) A number of equal volume aliquots taken at varying time intervals in proportion to flow,
 - iii) A sample continuously collected in proportion to flow, and
 - iv) Where flow proportional sampling is infeasible or nonrepresentative of the pollutant loadings, the Department may approve the use of time composite samples.
- c. Grab samples shall consist of a single aliquot collected over a time period not exceeding 15 minutes.
- d. All sample preservation techniques shall conform to the methods adopted in NDEQ Title 119, Chapter 21 006 unless:

- i) In the case of sludge samples, alternative techniques are specified in the 40 CFR, Part 503, or
- ii) Other procedures are specified in this permit.
- e. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be used to insure the accuracy and reliability of measurements. The devices shall be installed, calibrated and maintained to insure that the accuracy of the measurements. The accepted capability shall be consistent with that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of +/- 10%. The amount of deviation shall be from the true discharge rates throughout the range of expected discharge volumes. Guidance can be obtained from the following references for the selection, installation, calibration and operation of acceptable flow measurement devices:

 - i) *Water Management Manual*, U. S. Department of Interior, Bureau of Reclamation, Second Edition, Revised Reprint, 2001, 327 pp. Available on the Department of Interior, Bureau of Reclamation (website <http://www.usbr.gov/pmts/hydraulicslab/pubs/wmm/>).
 - ii) *NPDES Compliance Inspection Manual*, U. S. Environmental Protection Agency, Office of Enforcement and Compliance Assurance, Publication EPA 305-X-04-001 July 2004. This document is available on EPA website:
<http://www.epa.gov/compliance/resources/publications/monitoring/cwa/inspections/npdesinspect/npdesmanual.html>

D. Reporting Requirements

1. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in NDEQ Title 119, Chapter 4;
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements in NDEQ Title 119, Chapter 4; or
- c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. Transfers

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary in NDEQ Title 119, Chapter 24; in some cases, modification or revocation and reissuance is mandatory.

4. Monitoring Reports

Monitoring results shall be reported at the intervals specified elsewhere in this permit.

- a. Monitoring results must be reported on a Storm Event Monitoring Report (SEMR) or forms provided or specified by the Director.
- b. If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under in NDEQ Title 119, Chapter 27 002, or another method required for an industry-specific waste stream under 40 CFR subchapter N – Effluent Guidelines and Standards Parts 425 to 471 and subchapter O – Sewer Sludge Parts 501 and 503, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the SEMR or sludge reporting form specified by the Director.

- c. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

5. Quarterly Storm Event Monitoring Reports (SEMRs)

- a. The permittee shall report the monitoring results required by this permit on a SEMR form supplied or approved by the Department. Monitoring results shall be submitted as an attachment to the annual report, unless otherwise specified in this permit or by the Department.
- b. If the permittee monitors any pollutant more frequently than required by this permit, using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted on the SEMR. The frequency of the analysis shall also be reported on the SEMR.

6. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

7. Immediate Notification

All permittees shall report immediately to the NDEQ:

- a. Discharges of oil or hazardous substances which threaten waters of the state or public health and welfare, and
- b. Discharges causing in-stream toxicity (i.e., a fish kill) or an immediate threat to human health

Initial notification may be verbal. A written noncompliance notification shall be submitted as set forth in Section D. 9. of this Appendix.

8. Twenty-four Hour Reporting

- a. The permittee shall report any noncompliance which may endanger human health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- b. The following shall be included as information which must be reported within 24 hours under this paragraph.
 - i) Any unanticipated bypass which exceeds any effluent limitation in the permit.
 - ii) Any upset which exceeds any effluent limitation in the permit.
 - iii) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours.
- c. The Director may waive the written report on a case-by-case basis for reports under Section D if the oral report has been received within 24 hours.

9. Written Noncompliance Notification

The permittee shall submit a written noncompliance report to the NDEQ:

- a. Within five days of becoming aware of any noncompliance with the NPDES toxic pollutant effluent limitations or requirements set forth in this permit.
- b. Within seven days of becoming aware of any other noncompliance with the NPDES requirements and/or effluent limitations set forth in this permit. The written notification shall be submitted on a noncompliance form supplied by the Department and shall include:
 - i) A description of the discharge and cause of noncompliance,
 - ii) The period of noncompliance, including exact dates and times, or if not corrected, the anticipated time the noncompliance is expected to continue, and
 - iii) The steps taken to reduce, eliminate, and prevent the reoccurrence of the noncompliance.

- c. The submittal of a written noncompliance report does not relieve the permittee of any liability from enforcement proceedings that may result from the violation of permit or regulatory requirements.

10. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under paragraph D.7. at the time discharge monitoring reports are submitted.

11. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

E. Bypass

1. Definitions

- a. **Bypass** means the intentional diversion of waste streams from any portion of a treatment facility.
- b. **Severe property damage** means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

2. Bypass not Exceeding Limitations

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs E.3. and E.4. of this section.

3. Notice

- a. Anticipated bypass: If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
- b. Unanticipated bypass: The permittee shall submit notice of an unanticipated bypass as required in the 24-hour notice (paragraph D. 7.).

4. Prohibition of Bypass

Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- c. The permittee submitted notices as required under paragraph E.3. of this section.

The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in paragraph E.4.a., b., and c. of this section.

F. Upset

1. Definition

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

2. Effect of an Upset

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph F. 3 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

3. Conditions Necessary for a Demonstration of Upset

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An upset occurred and that the permittee can identify the cause(s) of the upset;
- b. The permitted facility was at the time being properly operated;
- c. The permittee submitted notice of the upset as required in paragraph D.7.b. (24-hour notice); and
- d. Permittee complied with any remedial measures required under paragraph 4 of this section.

4. Burden of Proof

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

G. Operation and Maintenance

1. Proper Operation and Maintenance

The permittee shall, at all times, maintain in good working order and operate as efficiently as possible, any facilities or systems of control installed by the permittee in order to achieve compliance with the terms and conditions of this permit. This would include, but not be limited to, effective performance based on designed facility removals, effective management, adequate operator staffing and training, adequate laboratory and process controls, and adequate funding that reflects proper user fee schedules.

2. Removed Substances

Solids, sludge, filter backwash or other pollutants removed in the course of treatment or control of wastewater shall be disposed of at a site and in a manner approved by the Nebraska Department of Environmental Quality. The disposal of nonhazardous industrial sludges shall conform to the standards established in or to the regulations established pursuant to 40 CFR, Part 257. The disposal of sludge shall conform to the standards established in or to the regulations established pursuant to 40 CFR, Part 503. If solids are disposed of in a licensed sanitary landfill, the disposal of solids shall conform to the standards established in NDEQ Title 132. Publicly owned treatment works shall dispose of sewage sludge in a manner that protects public health and the environment from any adverse effects which may occur from toxic pollutants as defined in Section 307 of the Clean Water Act. This permit may be modified or revoked and reissued to incorporate regulatory limitations established pursuant to 40 CFR, Part 503.

3. Changes in Discharge

Any facility expansion, production increases or process modifications which will result in new or substantially increased discharges of pollutants or a change in the nature of the discharge of pollutants must be reported by the permittee 180 days prior to the expansion, increases or modifications, either by amending the original application or by submitting a new application. This permit may be modified or revoked and reissued as a result of this notification to maintain compliance with applicable state or federal regulations.

4. Changes in Toxic Discharges from Manufacturing, Commercial, Mining and Silvicultural Facilities

Permittees discharging from manufacturing, commercial, mining and silvicultural facilities shall report to the Department:

- a. If any toxic pollutant not limited in this permit is discharged from any NPDES outfall as a result of any activity that will or has occurred and results in its routine or frequent discharge. The Department shall be informed if that discharge exceeds the following notification levels:
 - i) 100 micrograms per liter (0.1 mg/L) for any toxic pollutant,
 - ii) 200 micrograms per liter for acrolein and acrylonitrile (0.2 mg/L),
 - iii) 500 micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol (0.5 mg/L),
 - iv) 1000 micrograms per liter for antimony (1 mg/L),
 - v) Five times the maximum concentration value reported for that pollutant in the permit application or
 - vi) An alternative level established by the Director, and

- b. If any toxic pollutant not limited in this permit is discharged from an NPDES outfall as a result of any activity that will or has occurred and results in its nonroutine discharge. The Department shall be informed if that discharge exceeds the following notification levels:
- i) 500 micrograms per liter (0.5 mg/L) for any toxic pollutant,
 - ii) 1000 micrograms for antimony (1 mg/L),
 - iii) Ten times the maximum concentration value reported for that pollutant in the permit application,
or
 - iv) An alternative level established by the Director.

H. Definitions

Administrator: The Administrator of the USEPA.

Aliquot: An individual sample having a minimum volume of 100 milliliters that is collected either manually or in an automatic sampling device.

Annually: Once every calendar year.

Best Management Practices (BMPs): Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Bimonthly: Once every other month.

Biosolids: Sewage sludge that is used or disposed through land application, surface disposal, incineration, or disposal in a municipal solid waste landfill.

Biweekly: Once every other week.

Bypass: The intentional diversion of wastes from any portion of a treatment facility.

Clean Water Act: Refers to the Federal Clean Water Act (33 U.S.C. 1251 *et seq.*).

Daily Average: An effluent limitation that cannot be exceeded and is calculated by averaging the monitoring results for any given pollutant parameter obtained during a 24-hour day.

Department: Nebraska Department of Environmental Quality.

Director: The Director of the Nebraska Department of Environmental Quality.

Event Mean Concentrations (EMC): The Event Mean Concentrations (EMCs) are defined as the average concentrations of the sampling data collected from MS4 storm water discharge events for given reporting period.

Industrial Discharge: Wastewater that originates from an industrial process and / or is noncontact cooling water and / or is boiler blowdown.

Maximum Extent Practicable (MEP): Means the necessary intergovernmental coordination to reduce the discharge of pollutants using management practices, control techniques, system design, engineering methods, and other appropriate provisions.

Monthly Average: Is an effluent limitation that cannot be exceeded. It is calculated by averaging any given pollutant parameter monitoring results obtained during a calendar month.

Municipality: A city, town, village, county, district, association, or other public body created by or pursuant to state law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes. Federal facilities are included as municipalities.

Municipal Separate Storm Sewer System (MS4): a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- (1) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States, federal facilities are included as municipalities;
- (2) Designed or used for collecting or conveying storm water;
- (3) Which is not a combined sewer; and
- (4) Which is not part of a Publicly Owned Treatment Works (POTW)

National Pollutant Discharge Elimination System: Refers to the discharge permit program set up pursuant to section 402 of the Federal Clean Water Act.

Nebraska Environmental Protection Act: Refers to Nebraska Revised Statutes §§ 81-1501 *et. al.*

Operator: Means the operator of any municipality small municipal separate storm sewer system that is regulated under 40 CFR, Part 122.32.

Passive Discharge: A discharge from a POTW that occurs in the absence of an affirmative action and is not authorized by the NPDES permit (e.g. discharges due to a leaking valve, discharges from an overflow structure) and / or is a discharge from an overflow structure not designed as part of the POTW (e.g. discharges resulting from lagoon berm / dike breaches).

Publicly Owned Treatment Works (POTW): A treatment works as defined by Section 212 of the Clean Water Act (Public Law 100-4) which is owned by the state or municipality, excluding any sewers or other conveyances not leading to a facility providing treatment.

Semiannually: Twice every year

Sludge: Any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effect.

Stormwater/Storm Water: Stormwater runoff, snowmelt runoff, and surface runoff and drainage

30-Day Average: Is an effluent limitation that cannot be exceeded. It is calculated by averaging any given pollutant parameter monitoring results obtained during a calendar month.

Total Maximum Daily Load (TMDL): The total maximum daily pollutant load a given stream segment can assimilate without causing a water quality criteria exceedence.

Total Toxic Organics (TTO): The summation of all quantifiable values greater than 0.01 milligrams per liter (mg/l) for toxic organic compounds that may be identified elsewhere in this permit. (If this term has application in this permit, the list of toxic organic compounds will be identified, typically in the Limitations and Monitoring Section(s) and/or in an additional Appendix to this permit.)

Toxic Pollutant: Those pollutants or combination of pollutants, including disease causing agents, after discharge and upon exposure, ingestion, inhalation or assimilation into an organism, either directly from the environment or indirectly by ingestion through food chains will, on the basis of information available to the administrator, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunction (including malfunctions in reproduction) or physical deformations in such organisms or their offspring.

Upset: An exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee, excluding such factors as operational error, improperly designed or inadequate treatment facilities or improper operation and maintenance or lack thereof.

Volatile Organic Compounds (VOC): The summation of all quantifiable values greater than 0.01 milligrams per liter (mg/l) for volatile, toxic organic compounds that may be identified elsewhere in this permit. (See the definition for Total Toxic Organics above. In many instances, VOCs are defined as the volatile fraction of the TTO parameter. If the term "VOC" has application in this permit, the list of toxic organic compounds will be identified, typically in the Limitations and Monitoring Section(s) and/or in an additional Appendix to this permit.)

Waters of the State: All waters within the jurisdiction of this state including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partially within or bordering upon the state.

Weekly Average: Is an effluent limitation that cannot be exceeded. It is calculated by averaging any given pollutant parameter monitoring results obtained during a fixed calendar week. The permittee may start their week on any weekday but the weekday must remain fixed. The Department approval is required for any change of the starting day.

"X" Day Average: An effluent limitation defined as the maximum allowable "X" day average of consecutive monitoring results during any monitoring period where "X" is a number in the range of one to seven days.

I. Abbreviations

BMP: Best Management Practice (See *Definitions*)
CFR: Code of Federal Regulations
CWA: Federal Clean Water Act (33 U.S.C. 1251 *et seq*)
kg/Day: Kilograms per Day
MCM: Minimum Control Measure
MEP: Maximum Extent Practicable
MGD: Million Gallons per Day
mg/L: Milligrams per Liter
MS4: Municipal Separate Storm Sewer System (See *Definitions*)
NDEQ: Nebraska Department of Environmental Quality
NDEQ Title 115: *Rules of Practice and Procedure*
NDEQ Title 117: *Nebraska Surface Water Quality Standards*
NDEQ Title 118: *Ground Water Quality Standards and Use Classification*
NDEQ Title 119: *Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System*
NDEQ Title 126: *Rules and Regulations Pertaining to the Management of Wastes*
NDEQ Title 132: *Integrated Solid Waste Management Regulations*
NOI: Notice of Intent
NPDES: National Pollutant Discharge Elimination System
PCE: Physical Characteristics Examination
POTW: Publicly Owned Treatment Works
SEMR: Storm Event Monitoring Report
sMS4: small Municipal Separate Storm Sewer System
SWMP: Storm Water Management Plan
TMDL: Total Maximum Daily Load
µg/L: Micrograms per Liter
WLA: Waste Load Allocation
WWTF: Wastewater Treatment Facility
WQ standards: Water Quality standards

Appendix B: Examples of the Permittee Individual Storm Water Management Plan**Minimum Control Measure Requirement #1 - Public Education and Outreach**

SWMP Element	Activity Elements	Implementation and Reporting Requirements
1.01	Investigate feasibility of having curbs inlet supplies stamp the no dumping symbols on the pieces during the manufacturing. Establish specification to implement.	Year 1 – Will write permanent sampling specification for curb inlets. Will identify suppliers and determine feasibility. Years 2-5 – Will require permanent stamp on for all new inlets.
1.02	Participate through Cooperative Agreements with SMS4 facilities, in the preparation and distribution of information pamphlets or programs on storm water pollution prevention.	Year 1 – Meet with SMS4 and NRDs and identify areas of common ground for cooperative agreement development. Year 2 – Develop Cooperative Agreement Years 3-5 – Implement Cooperative Agreement stipulations.
1.03	Develop a Storm Water Pollution Prevention element for the City website, with links to SMS4 pollution prevention and storm water web resources. Establish links to erosion control requirements for contractors, standard specification regarding erosion controls and links to regulations. Include a Frequency Asked Questions page for contractor.	Year 1 – Develop website page for storm water. Year 2 – Identify links to include with website. Year 3 – Develop Frequently Asked Questions page for contractors. Years 4 and 5 – Update website as needed.
1.04	Annually at the Construction Project Managers' Conference, provide ongoing erosion control BMP training and regulation updates.	Annual Event – Submit conference agenda that includes erosion control training elements with Annual Activity Report.
1.05	Review details of erosion control design, timing, and contractors staging at Preconstruction Conferences prior to job initiation of construction.	Ongoing – All construction projects with grading will have a permanent erosion control design as well as a plan to be submitted by the contractor for temporary erosion control that must be approved by the Project Construction Engineer. The Annual Report will identify all projects with erosion control elements that had pre-construction conferences and contractor submitted plans.

Minimum Control Measure Requirement #2 - Public Participation and Involvement

SWMP Element	Activity Elements	Implementation and Reporting Requirements
2.01	Continue to follow established Public Participation Policies and Procedures for NDOR Projects. Covers all phases of project development.	Ongoing
2.02	Add specific references to the erosion control plans as part of the formal Engineering Statement that is part of the public hearing process for individual projects.	Year 1 – Develop statement format and notify preparers. Years 2-5 – Ongoing with public statement included.
2.03	Participate through continued coordination with UNL, in education of UNL students enrolled in the Soil and Water Conservation course. City Name will provide instruction and material support.	Ongoing all years
2.04	Participate through cooperative partnership with the NRDs in public outreach activities that highlight erosion control (e.g.; Home & Garden Show, County Fair, Community College, public school soil and water festivals).	Year 1 – Establish cooperative Agreements, Identify elements of participation. Years 2-5 – Execute Agreements

Minimum Control Measure Requirement #3 - Illicit Discharge Detection and Elimination

SWMP Element	Activity Elements	Implementation and Reporting Requirements
3.01	The <i>City Name</i> has established regulations and programs on illicit discharges. A 24-hour telephone number is available to report possible illicit discharges to the <i>City Name</i>	Ongoing all years: Review ordinances annually for necessary modification and additions. A summary of the modifications and/or additions will be included in the Annual Activity Report.
3.02	Map of the SMS4 facilities are developed showing outfall locations and water receiving those discharges.	Years 1- 5 – Update as changes occur annually. These changes will be included in the Annual Activity Report.
3.03	The <i>City Name</i> maintenance facilities within the SMS4 boundaries all have Spill Prevention Control and Countermeasures (SPCCC) plans in effect to identify and eliminate illicit discharges. The <i>City Name</i> is committed to spill prevention and control through regular review, updating, and implementation of the SPCCC plans.	Years 1- 5 – In accordance with 40 CFR 112(b) SPCC plans are reviewed and evaluated once every three years. Plans are reviewed and evaluated reviewed once every three years. Plans are amended within 6 months of review if needed. Dates of plan updates during the reporting period will be supplied annually.

Minimum Control Measure Requirement #4 - Construction Site Runoff Control

SWMP Element	Activity Elements	Implementation and Reporting Requirements
4.01	The <i>City Name</i> projects are designed and sealed by a Professional Engineer. All project erosion control designs including BMP's used are designed using the "City Name Preliminary Design and Erosion Control Manual".	Ongoing: This Manual is updated as new information is received and comprehensively reviewed every 3 years. Next scheduled review will occur in 2006.
4.02	<i>City Name's</i> "Standard Specifications for Construction" contains requirements for erosion control that must be met on all projects. Requires submittal of specific plans for accomplishing temporary erosion control. No work shall start until the Construction Engineer accepts the plans: "Laws to be Observed" covers requirements for construction site operators to control waste.	Ongoing: Implementation is ongoing for every project. Specifications are updated as needed. Most projects will begin with approval of an erosion control plan. The Annual Activity Report will contain a summary of erosion control plan submittals and procedures.
4.03	Procedures for handling information submitted by public and procedures for site inspection and enforcement or control measures are outlined in the <i>City Name</i> "Construction Manual". The Construction Manual (see document on <i>City Name's</i> website – several hundred pages) covers <i>City Name's</i> chain of command and reporting, the inspection process, and duties of the inspector. Section 1100 instructs inspectors what to do in case of a contractor's violation and governing authority that are involved. Sanctions to insure compliance include bonding requirements and monetary penalties.	Ongoing: All projects have on-site inspectors assigned and responsible for implementation of SWPP. The Annual Activity Report will contain a summary report on any enforcement actions taken, the identity of any sites reported to NDEQ and resolution.
4.04	Participate with presentation of at least one construction site storm water training session each year.	Ongoing all years: The Annual Activity Report will provide a brief summary of the material presented and number of attendees.

Minimum Control Measure Requirement #5 - Post-Construction Storm Water Management in New Developments and Redevelopments

SWMP Element Number	Activity Elements	Implementation and Reporting Requirements
5.01	The <i>City Name</i> Maintenance Manual details requirements for vegetation management after construction. Silt fence removal, erosion check, and silt trap maintenance, along with silt removal and reseeding are detailed and scheduled in the Maintenance Manual. Vegetation is maintained at 5-12 inches I height for the first 2 years after a project has been completed. Then mow is limited to shoulders and medians. Areas not mowed are placed on a periodic mow-out schedule. Urban areas are mowed at whatever schedule the city maintains.	Ongoing : For all projects. Schedules are kept within the <i>City Name</i> offices.
5.02	Coordinate with the Natural Resource Districts to identify key storm water issues with the major watersheds.	Year 1 – Contact the NRDs and Cities to identify issues. Years 2-5 – Participate, as needed in development of watershed management programs.

Minimum Control Measure Requirement #6 - Pollution Prevention/ Good Housekeeping

SWMP Element	Activity Elements	Implementation and Reporting Requirements
6.01	Spill Prevention Control and Countermeasure Plans (SPCC) are developed for all maintenance facilities. Each plan covers employee training and reporting.	Ongoing all years: Update SPCC plans as required by law. Annual Activity Report will summarize any changes made in the plans. The annual review and training are specified in the plan.
6.02	“Emergency Procedures for Hazardous Material Releases for District Maintenance and Equipment Repair Personnel” Policy Statement. Provides the requirements for employee training regarding spill response.	Years 1-5: Provide employee training regarding non-maintenance yard spill response. Follow District plans for ongoing maintenance activities and schedules. The Annual Activity Report will contain a summary report.
6.03	All maintenance facilities shall be managed to comply with No Exposure Status where feasible. Runoff Control Plans shall be developed where No Exposure is infeasible.	Ongoing all years: Runoff Control Plans shall be complete for all maintenance facilities by permit year two. Status of the BMP progress shall be included in the Annual Activity Report.
6.04	The <i>City Name</i> will keep road deicing salt or chemicals covered either by the use of tarps or inside storage. The exceptions will be made during freezing weather periods when the piles are being actively used.	Ongoing all years: The <i>City Name</i> shall provide training to city staff to insure proper handling and storage of street deicing salt or chemicals. The <i>City Name</i> shall provide training to city staff to minimize discharges through proper application.



Nebraska Department of Environmental Quality

Wastewater Section

The Atrium Building, Suite 400, 1200 N Street

PO Box 98922

Lincoln, NE 68509-8922

Tel. 402/471-4220

NPDES Small Municipal Separate Storm Sewer System Notice of Intent**(sMS4 – NOI)**

(Revised: April 7, 2005)

This form is designed for use by cities, counties and other governmental bodies seeking NPDES permits for a General NPDES Small *Municipal Separate Storm Sewer System* (sMS4) pursuant to NDEQ Title 119, Chapter 10 002.11A.

1. Identification of Applicant and Designation of Cognizant Official*

Name of Applicant: _____

Cognizant Official*: _____

Title of Cognizant Official: _____

Mailing Address: _____

Telephone: () _____

*The Cognizant Official will need to sign on page 4 of this application, and must meet the following qualifications:

All permit applications submitted to the Department shall be signed:

001.01 In the case of corporation, by a principal executive officer of at least the level of vice-president;

001.02 In the case of a partnership of a sole proprietorship, by a general partner or proprietor; and

001.03 In the case of a municipal, State or other public facility by either a principal executive officer or ranking elected official.

2. Designation of Authorized Representative**

Completion of this section is not required if the Cognizant Official is to be the sole contact concerning this application.

Name of Authorized Representative: _____

Title of Authorized Representative: _____

Employer of Authorized Representative (if not the applicant): _____

Mailing Address: _____

Telephone: () _____

****The "authorized representative" is the primary facility contact for correspondence and monitoring reporting, and must meet the requirements set forth in NDEQ Title 119 Chapter 13.003:**

All other correspondence, reports and SEMR's shall be signed by a person designated in 002.01 through 002.03 or a duly authorized representative if such representative is responsible for the overall operation of the facility from which the discharge originates; the authorization is made in writing by the person designated under 002.01 through 002.03 and the written authorization is submitted to the Director.

3. Standard Industrial Classification (SIC) Codes

Check or list up to four SIC codes that apply to the applicant. At least one SIC code must be checked or listed, but no more than 4 should be identified. If more than four potentially apply to the applicant, pick those most applicable to the administration of Small Municipal Separate Storm Sewer System (sMS4) issues. See examples:

- ____ 9111 - Executive Offices (i.e., Government Administration)
- ____ 9411 - Public Education Program
- ____ 9431 - Public Health Program
- ____ 9511 - Environmental Quality Program (e.g., water resource management including storm water transport)
- ____ 9532 - Urban Planning and Development
- ____ 9621 - Public Administration of Transportation Programs
- ____ 9711 - National Security

Other (list): _____

Example 1: A city that anticipates both its public works and planning departments having responsibilities under the NPDES permit for sMS4 discharges would check 9111, 9511 and 9532.

Example 2: A county that anticipates both its health, roads and planning departments having responsibilities under the NPDES permit for sMS4 discharges would check 9111, 9431, 9532 and 9621.

Example 3: A public university that operates its own sMS4 would check 9411.

4. Identification of the Small Municipal Separate Storm Sewer System (sMS4) Area

- Attach a map (or maps) of the Small Municipal Separate Storm Sewer System (sMS4)** that shows the location of all outfalls identified to date (Also see "C" below) and the receiving water to which they discharge. The receiving waters may be identified either on the map or in an associated map index or attachment.
- What is the approximate size of the Small Municipal Separate Storm Sewer System (sMS4) area in square miles?** _____
- Provide an explanation** (below or in the map or associated index/attachment) as to the extent to which the map identifies all storm water outfalls. See examples below.

Example 1: It is believed that the attached map identifies all storm sewer discharge points that exist in the Small Municipal Separate Storm Sewer System (sMS4).

Example 2: The attached map identifies all storm sewer discharge points constructed since 1950, and all known discharge points that were constructed prior to 1950. There may be unidentified outfalls in the older areas of the city and if such discharges exist they will be identified as part of the Illicit Discharge Detection and Elimination efforts to be carried-out under the permit.

5. Shared Responsibilities

a. Check the appropriate statement below. Only one may be checked.

Completion of this section does not preclude the applicant from changing plans relative cooperative agreements or shared permit implementation efforts. If such a change occurs, the applicant (or a representative of the cooperative group) needs to provide the NDEQ with a written notification of the change.

- (1) ☐ At this time, the applicant anticipates implementing all provisions and requirements of the NPDES permit without entering any cooperative agreements with other public or private entities.
- (2) ☐ At this time, the applicant is considering the possibility of implementing the provisions and requirements of the NPDES permit in a conjunction with the other public entities identified below, but no commitments have been made.
- (3) ☐ At this time, the applicant anticipates implementing the provisions and requirements of the NPDES permit in a conjunction with the other public entities identified below, but no formal interagency agreement has been established.
- (4) ☐ The applicant has entered into an inter-local agreement to facilitate permit implementation with the public entities identified below.
- (5) ☐ Other - Provide explanation below (See Additional Information).

b. Cooperative Partners: If B, C or D were checked, identify the cooperative partners or potential partners.

c. Additional Information: Provide any other information that may be pertinent.

If (5) was checked, provide an explanation in the following spaces.

6. Storm Water Management Plan (SWMP) and Monitoring Plan Implementation

Include the following information as an attachment to this application.

- a. Identify the best management practices (BMPs) or SWMP elements that are proposed for implementing each of the Minimum Control Measures set forth in NDEQ Title 119, Chapter 10 002.12B through 002.12E***.
- b. Establish measurable goals for each of the BMPs or SWMP elements (Examples of measurable goals: Pass local regulations establishing construction site erosion control requirements; Cause the words "No Dumping" to appear on 20% of curb inlets each year; Hold public information meetings on storm water protection once each year; Conduct a stream/lake-side clean-up day each year).
- c. Provide a proposed implementation schedule for the BMPs or SWMP elements. Implementation needs to be completed within the 5-year permit term.
- d. Provide a proposed wet-weather monitoring plan for representative storm water outfalls and/or in-stream water quality monitoring****.

*** A copy of this regulations federal equivalent, 40 CFR Parts 122.34(b)(1) through(6) is provided as an attachment to this application.

****The monitoring plan may be used to supplement proposed measurable goals. Alternatively, justification may be provided for using measurable goals proposals in lieu of wet-weather monitoring.

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations. (See 18 U.S.C. § 1001 and 33 U.S.C. § 1319, and Neb. Rev. Stat. §§ 81-1508 thru 81-1508.02.)

Cognizant Official's Signature*****

Date Signed

Cognizant Official's Printed Name

Cognizant Official's Title

*****The Cognizant Official identified in Section 1 of this application must sign above.

7. Completeness Review:

____ Have the NOI sections 1 thru 6 been completed?

____ Was the proper signature provided in NOI Section 6?

____ Is a map of the Small Municipal Separate Storm Sewer System (sMS4) as required in NOI Section 4 attached?

____ Is the SWMP and Monitoring Plan information as required in Section 6 attached?

Nebraska Department
of Environmental Quality

Municipal & Industrial Section • The Atrium Building, Suite 400, 1200 N Street • P. O. Box 98922
Lincoln, NE 68509-8922 • Tel. (402) 471-4220 • Fax (402) 471-2909

**NPDES Small Municipal Separate Storm Sewer System Notice of Intent
for Small MS4s Previously Permitted (sMS4 – NOI-Reapplication)**

(January 15, 2009)

This form is designed for use by cities, counties and other governmental bodies seeking NPDES permits for a Small *Municipal Separate Storm Sewer System* (MS4) pursuant to 40 CFR Part 122.33 (a.k.a. the NPDES Phase II storm water regulations).

Existing NPDES sMS4 authorization number: _____ Facility ID number: _____

1) Identification of Applicant and Designation of Cognizant Official*

Name of Applicant: _____

Cognizant Official: * _____

Title of Cognizant Official: _____

Mailing Address: _____

Telephone: _____

* The Cognizant Official will need to sign on page 4 of this application, and must meet the qualifications set forth below:

"All permit applications submitted to the Department shall be signed:

001.01 In the case of corporation, by a principal executive officer of at least the level of vice-president;

001.02 In the case of a partnership, by a general partner;

001.03 In the case of a sole partnership, by a general partner; and

001.04 In the case of a municipal, State or other public facility by either a principal executive officer or ranking elected official."

2) Designation of Authorized Representative**

Completion of this section is not required if the Cognizant Official is to be the sole contact concerning this application.

Name of Authorized Representative: _____

Title of Authorized Representative: _____

Employer of Authorized Representative (if not the applicant): _____

Mailing Address: _____

Telephone: _____

Email/Alternate contact: _____

** The "authorized representative" is the primary facility contact for correspondence and monitor reporting, and must meet the requirements set forth in NDEQ Title 119 Chapter 10.002:

"All other correspondence, reports and SEMR's shall be signed by a person designated in 001.01 through 001.04 above or a duly authorized representative if such representative is responsible for the overall operation of the facility from which the discharge originates; the authorization is made in writing by the person designated under 001.01 through 001.04 above; and the written authorization is submitted to the Director."

3) Identification of MS4 Area

- A. Attach a map (or maps) of the MS4** that shows the location of all receiving waters for which storm water from the MS4 is discharged. The receiving waters may be identified either on the map or in an associated map index or attachment. *Include and identify any previously unidentified water bodies that receive discharges from the MS4.*
- B. Have there been any significant additions to the MS4 or additional receiving waters identified since the initial authorization?** Y ____ N ____

If YES, please describe these additions. _____

C. What is the approximate size of the MS4 area in square miles? _____

- D. Provide an explanation** (below or in the map or associated index/attachment) as to the extent to which the map identifies all storm water discharge receiving waters. See examples below.
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

E. Has a program been implemented to increase the accuracy of information on storm drainage infrastructure for the purposes of Illicit Discharge Detection and Elimination? Y ____ N ____

Example 1: It is believed that the attached map identifies all water bodies receiving discharges from the MS4.

Example 2: The attached map identifies all water bodies receiving discharges from the MS4 from storm sewer discharge points constructed since 1950, and all known water bodies receiving discharges from the MS4 discharge points that were constructed prior to 1950. There may be unidentified outfalls in the older areas of the city and if such discharges exist the water bodies receiving discharges from the MS4 will be identified as part of the Illicit Discharge Detection and Elimination efforts to be carried out under the permit.

4) Shared Responsibilities

Check the appropriate statement below. Only one may be checked.

Completion of this section does not preclude the applicant from changing plans relative cooperative agreements or shared permit implementation efforts. If such a change occurs, the applicant (or a representative of the cooperative group) needs to provide the NDEQ with a written notification of the change.

- A. ☐ At this time, the applicant anticipates implementing all provisions and requirements of the NPDES permit without entering any cooperative agreements with other public or private entities.
- B. ☐ At this time, the applicant is considering the possibility of implementing the provisions and requirements of the NPDES permit in a conjunction with the other public entities identified below, but no commitments have been made.
- C. ☐ At this time, the applicant anticipates implementing the provisions and requirements of the NPDES permit in a conjunction with the other public entities identified below, but no formal interagency agreement has been established.
- D. ☐ The applicant has entered into an inter-local agreement to facilitate permit implementation with the public entities identified below.
- E. ☐ Other - Provide explanation below (See Additional Information).

Cooperative Partners: If B, C or D were checked, identify the cooperative partners or potential partners.

Summary of Changes to Cooperative Partners since initial authorization:

Additional Information: Provide any other information that may be pertinent.

If E was checked, provide explanation below.

5) Storm Water Management Plan (SWMP) and Monitoring Plan Implementation

Include the following information as an attachment to this application. The existing SWMP and annual reports should be utilized to evaluate program direction. Focus should be on maintenance and improvement of programs.

- A. Identify the best management practices (BMPs) or SWMP elements that are proposed for implementing each of the Minimum Control Measures set forth in 40 CFR Part 122.34(b)(1) through (6). ***
- B. Establish measurable goals for each of the BMPs or SWMP elements (Examples of measurable goals: Pass local regulations establishing construction site erosion control requirements; Paint "No Dumping" signs on 20% of curb inlets each year; Hold public information meetings on storm water protection once each year; Conduct a stream/lake-side clean-up day each year).
- C. Provide a proposed implementation schedule for the BMPs or SWMP elements. Implementation needs to be completed within the 5-year permit term.
- D. Provide a proposed wet-weather monitoring plan for representative storm water outfalls and/or in-stream water quality monitoring. ****

*** A copy of this regulation 40 CFR Parts 122.34(b)(1) through (6) is provided as an attachment to this application.

**** The monitoring plan may be used to supplement proposed measurable goals. Alternatively, justification may be provided for using measurable goals proposals in lieu of wet-weather monitoring.

6) Certification

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations. (See 18 U.S.C. § 1001 and 33 U.S.C. § 1319, and Neb. Rev. Stat. §§ 81-1508 thru 81-1508.02.)

Cognizant Official's Signature *****

Date Signed

Cognizant Official's Printed Name

Cognizant Official's Title

***** The Cognizant Official identified in Section 1 of this application must sign above.

Completeness Review:

____ Have sections 1 thru 5 been completed?

____ Was the proper signature provided in Section 6?

____ Is a map of the MS4 as required in Section 3 attached?

____ Is the SWMP and Monitoring Plan information as required in Section 5 attached?



Nebraska Department of Environmental Quality

Wastewater Section • The Atrium Building, Suite 400, 1200 N Street • P. O. Box 98922
Lincoln, NE 68509-8922 • Tel. (402) 471-4220 • Fax (402) 471-2909

40 CFR Part 122.34(b)

40 CFR Part 122.34 - As an operator of a regulated small MS4, what will my NPDES MS4 storm water permit require?

(b) Minimum Control Measures

(1) Public education and outreach on storm water impacts.

- (i) You must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.
- (ii) Guidance: You may use storm water educational materials provided by your State, Tribe, EPA, environmental, public interest or trade organizations, or other MS4s. The public education program should inform individuals and households about the steps they can take to reduce storm water pollution, such as ensuring proper septic system maintenance, ensuring the proper use and disposal of landscape and garden chemicals including fertilizers and pesticides, protecting and restoring riparian vegetation, and properly disposing of used motor oil or household hazardous wastes. EPA recommends that the program inform individuals and groups how to become involved in local stream and beach restoration activities as well as activities that are coordinated by youth service and conservation corps or other citizen groups. EPA recommends that the public education program be tailored, using a mix of locally appropriate strategies, to target specific audiences and communities. Examples of strategies include distributing brochures or fact sheets, sponsoring speaking engagements before community groups, providing public service announcements, implementing educational programs targeted at school age children, and conducting community-based projects such as storm drain stenciling, and watershed and beach cleanups. In addition, EPA recommends that some of the materials or outreach programs be directed toward targeted groups of commercial, industrial, and institutional municipalities likely to have significant storm water impacts. For example, providing information to restaurants on the impact of grease clogging storm drains and to garages on the impact of oil discharges. You are encouraged to tailor your outreach program to address the viewpoints and concerns of all communities, particularly minority and disadvantaged communities, as well as any special concerns relating to children.

(2) Public involvement/participation.

- (i) You must, at a minimum, comply with State, Tribal and local public notice requirements when implementing a public involvement/ participation program.
- (ii) Guidance: EPA recommends that the public be included in developing, implementing, and reviewing your storm water management program and that the public participation process should make efforts to reach out and engage all economic and ethnic groups. Opportunities for members of the public to participate in program development and implementation include serving as citizen representatives on a local storm water management panel, attending public hearings, working as citizen volunteers to educate other individuals about the program, assisting in program coordination with other pre-existing programs, or participating in volunteer monitoring efforts. (Citizens should obtain approval where necessary for lawful access to monitoring sites.)

40 CFR Part 122.34(b) – continued

(3) *Illicit discharge detection and elimination.*

- (i) You must develop, implement and enforce a program to detect and eliminate illicit discharges (as defined at § 122.26(b)(2)) into your small MS4.
- (ii) You must:
 - (A) Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls;
 - (B) To the extent allowable under State, Tribal or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into your storm sewer system and implement appropriate enforcement procedures and actions;
 - (C) Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to your system; and
 - (D) Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.
- (iii) You need address the following categories of non-storm water discharges or flows (i.e., illicit discharges) only if you identify them as significant contributors of pollutants to your small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, de-chlorinated swimming pool discharges, and street wash water (discharges or flows from fire fighting activities are excluded from the effective prohibition against non-storm water and need only be addressed where they are identified as significant sources of pollutants to waters of the United States).
- (iv) Guidance: EPA recommends that the plan to detect and address illicit discharges include the following four components: procedures for locating priority areas likely to have illicit discharges; procedures for tracing the source of an illicit discharge; procedures for removing the source of the discharge; and procedures for program evaluation and assessment. EPA recommends visually screening outfalls during dry weather and conducting field tests of selected pollutants as part of the procedures for locating priority areas. Illicit discharge education actions may include storm drain stenciling, a program to promote, publicize, and facilitate public reporting of illicit connections or discharges, and distribution of outreach materials.

(4) *Construction site storm water runoff control.*

- (i) You must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to your small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If the NPDES permitting authority waives requirements for storm water discharges associated with small construction activity in accordance with § 122.26(b)(15)(i), you are not required to develop, implement, and/or enforce a program to reduce pollutant discharges from such sites.
- (ii) Your program must include the development and implementation of, at a minimum:
 - (A) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State, Tribal, or local law;
 - (B) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;

Regulatory Attachment for NPDES Permit Application for Small MS4s (Revised 08/12/03)

40 CFR Part 122.34(b) - continued

- (C) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
 - (D) Procedures for site plan review which incorporate consideration of potential water quality impacts;
 - (E) Procedures for receipt and consideration of information submitted by the public; and
 - (F) Procedures for site inspection and enforcement of control measures.
- (iii) Guidance: Examples of sanctions to ensure compliance include non-monetary penalties, fines, bonding requirements, and/or permit denials for non-compliance. EPA recommends that procedures for site plan review include the review of individual pre-construction site plans to ensure consistency with local sediment and erosion control requirements. Procedures for site inspections and enforcement of control measures could include steps to identify priority sites for inspection and enforcement based on the nature of the construction activity, topography, and the characteristics of soils and receiving water quality. You are encouraged to provide appropriate educational and training measures for construction site operators. You may wish to require a storm water pollution prevention plan for construction sites within your jurisdiction that discharge into your system. See § 122.44(s) (NPDES permitting authorities' option to incorporate qualifying State, Tribal and local erosion and sediment control programs into NPDES permits for storm water discharges from construction sites). Also see § 122.35(b) (The NPDES permitting authority may recognize that another government entity, including the permitting authority, may be responsible for implementing one or more of the minimum measures on your behalf.)
- (5) *Post-construction storm water management in new development and redevelopment.*
- (i) You must develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into your small MS4. Your program must ensure that controls are in place that would prevent or minimize water quality impacts.
 - (ii) You must:
 - (A) Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for your community;
 - (B) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State, Tribal or local law; and
 - (C) Ensure adequate long-term operation and maintenance of BMPs.
 - (iii) Guidance: If water quality impacts are considered from the beginning stages of a project, new development and potentially redevelopment provide more opportunities for water quality protection. EPA recommends that the BMPs chosen: be appropriate for the local community; minimize water quality impacts; and attempt to maintain pre-development runoff conditions. In choosing appropriate BMPs, EPA encourages you to participate in locally based watershed planning efforts that attempt to involve a diverse group of stakeholders including interested citizens. When developing a program that is consistent with this measure's intent, EPA recommends that you adopt a planning process that identifies the municipality's program goals (e.g., minimize water quality impacts resulting from post-construction runoff from new development and redevelopment), implementation strategies (e.g., adopt a combination of structural and/or non-structural BMPs), operation and maintenance policies and procedures, and enforcement procedures. In developing your program, you should consider assessing existing ordinances, policies, programs and studies that address storm water runoff quality. In addition to assessing these existing documents and programs, you should provide opportunities to the public to participate in the development of the program.

Regulatory Attachment for NPDES Notice of Intent for Small MS4s (Revised 08/12/03)

40 CFR Part 122.34(b) - continued

Non-structural BMPs are preventative actions that involve management and source controls such as: policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation; policies or ordinances that encourage Infill development in higher density urban areas, and areas with existing infrastructure; education programs for developers and the public about project designs that minimize water quality impacts; and measures such as minimization of percent impervious area after development and minimization of directly connected impervious areas. Structural BMPs include: storage practices such as wet ponds and extended-detention outlet structures; filtration practices such as grassed swales, sand filters and filter strips; and infiltration practices such as infiltration basins and infiltration trenches. EPA recommends that you ensure the appropriate implementation of the structural BMPs by considering some or all of the following: pre-construction review of BMP designs; inspections during construction to verify BMPs are built as designed; post-construction inspection and maintenance of BMPs; and penalty provisions for the noncompliance with design, construction or operation and maintenance. Storm water technologies are constantly being improved, and EPA recommends that your requirements be responsive to these changes, developments or improvements in control technologies.

(6) *Pollution prevention/good housekeeping for municipal operations.*

- (i) You must develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. Using training materials that are available from EPA, your State, Tribe, or other organizations, your program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.
- (ii) Guidance: EPA recommends that, at a minimum, you consider the following in developing your program: maintenance activities, maintenance schedules, and long-term inspection procedures for structural and non-structural storm water controls to reduce floatables and other pollutants discharged from your separate storm sewers; controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations and snow disposal areas operated by you, and waste transfer stations; procedures for properly disposing of waste removed from the separate storm sewers and areas listed above (such as dredge spoil, accumulated sediments, floatables, and other debris); and ways to ensure that new flood management projects assess the impacts on water quality and examine existing projects for incorporating additional water quality protection devices or practices. Operation and maintenance should be an integral component of all storm water management programs. This measure is intended to improve the efficiency of these programs and require new programs where necessary. Properly developed and implemented operation and maintenance programs reduce the risk of water quality problems.



Nebraska Department of Environmental Quality

Wastewater Section

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Physical Characteristics Examination (PCE) Instructions

1. Physical Characteristic Examination Procedure

This procedure involves qualitative observations for characteristics of color, turbidity, odors, surface sheens, septic conditions, or any other unusual conditions (e.g., off-gassing). Physical Characteristic Examinations observations are to be made both *in situ* and on grab samples. The results of these qualitative examinations are used as indicators of potential pollution problems.

2. Immediate Notification and Follow-Up

The Department shall be immediately notified if there is evidence that the discharge may be causing distress to fish, aquatic organisms, plant life, wildlife, or livestock; contains evidence of fuel, solvent or other substances that indicate the existence of significant spills or illicit discharges; or other indications of overt pollution not anticipated in the MS4 discharge. Following notification, an investigation into the cause of the observation may need to be under-taken to identify the cause of the suspect condition, and if needed to identify the corrective actions that should be taken. Consultation with the Department concerning follow-up activities may be needed.

3. Periodic Reporting

In addition to the immediate notification requirements described above, a summary report of the findings of the Physical Characteristic Examination procedure results is to be submitted in the *Annual Report* (See above).

4. Record Keeping

Records of the physical examination results need to be kept and need to include the following information:

- a. The date and time of the observation;
- b. Name of the observer; and
- c. Summary information on the observations made.

PCE Report that is attached may be used to record the results of Physical Characteristic Examinations. Such records may also be kept in a logbook or other similar record.

(These instructions need NOT be submitted with PCE Form)



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PCE – Record of Physical Characteristics Examination Report

This form may be used to record observations of the physical characteristics of water discharges as required on some NPDES permit. The use of this form is generally not required by NPDES permits. Therefore an alternative report form containing the same information may be used.

Site Description: _____

Date and Time of Observation: _____

Name of Observer: _____

Parameter	Observations
Turbidity	
Color	
Odor	
Petroleum or Hydrocarbons Present	
Sheens or Films	
Foam or Foaming Below Discharge	
Floating Solids	
Off-Gassing	

Any other observations or additional information: _____



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sMS4-SEMR

This form is to be used for reporting monitoring results obtained to comply with the requirements of an NPDES permit for a Small Municipal Separate Storm Sewer System (sMS4). This form and attached results are to be submitted as part of the Annual Report required in the Small Municipal Separate Storm Sewer System (sMS4) permit, unless otherwise specified. All monitoring results for the monitoring period and outfalls specified are to be reported, unless otherwise specified. The actual monitoring results are to be submitted as an attachment to this form and must be properly referenced as attachments on this form.

Note: The Department may make changes in the format of this form during the term of the permit.

1. General Information:

NPDES & IIS Numbers: NER2100 _____ / PCS _____

Facility Name: _____ **Small Municipal Separate Storm Sewer System (sMS4)**

Monitoring Period: From: _____ (mm/dd/yr) To: _____ (mm/dd/yr)

If this report does not include all Small Municipal Separate Storm Sewer System (sMS4) outfalls monitored during the above time period, specify the outfalls to which this report pertains:

2. Identification of Stormwater Monitoring Results Attached to this Form

Identify all of the monitoring report results that are attached to this report. The attachments need to be identified in a distinctive manner, but an abbreviated system is encouraged (e.g., *Attachment 1, 2 pages or Tipperary Street SW-1, October 2, 2003*). Each attachment should be outfall and discharge event specific. Each attachment needs to contain the following information: the location of the outfall monitored, the date and times when monitored was conducted, whether a grab or composite sample was collected, the method of composite sampling used. The test methods used and, if results were below the detection limit, the detection limit of the tests also needs to be provided. However, the test method information may be provided on a separate attachment from the test results.

3. **Other Information:** Provide any other information or identify any additional attachments that may be pertinent to this monitoring report.

4. Certification and Signature

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted, based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations. See 18 U.S.C. § 1001 and 33 U.S.C. § 1319, and Neb. Rev. Stat. §§ 81-1508 thru 81-1508.02.

Signature of Authorized Representative or Cognizant Official*

Date

Printed Name

Title

*The qualifications and responsibilities of the "cognizant official" are set forth below and in NDEQ Title 119 Chapter 13.002.

All permit applications submitted to the Department shall be signed:

- 002.01 In the case of corporation, by a principal executive officer of at least the level of vice-president;
002.02 In the case of a partnership or a sole proprietorship: by a general partner or proprietor;
002.03 In the case of a municipal, State or other public facility by either a principal executive officer or ranking elected official."

*The qualifications and responsibilities for the "authorized representative" are set forth in NDEQ Title 119.

All other correspondence, reports and SEMR's shall be signed by a person designated in 002.01 through 002.03 or a duly authorized representative if such representative is responsible for the overall operation of the facility from which the discharge originates; the authorization is made in writing by the person designated under 002.01 through 002.03 and the written authorization is submitted to the Director.

Note: the NDEQ may make changes in the format of this form during the term of the permit.

Nebraska Department of Environmental Quality

NPDES/NPP SIGNATORY AUTHORIZATION FORM

This form is to be used to identify or update information pertaining to the facility. **THIS FORM MUST BE SIGNED BY THE COGNIZANT OFFICIAL.** The Cognizant Official and Authorized Representative can be the same person.

Facility Name: _____ Permit No. NE _____

Address: _____ City _____ Zip _____ County _____

Location (Street/Directions to) _____

Phone _____

PERMITTEE

List the *NAME* of the company, business, governmental entity, or person that owns the facility and that will be responsible for the permit compliance: _____

COGNIZANT OFFICIAL

This person is responsible for the permit, signing reapplications, signing DMRs or designating someone to sign DMRs (Authorized Representative) and other correspondence. For a municipal, only the mayor, chairperson or city manager may sign as the Cognizant Official. *See the reverse side for requirements.*

Name _____ Title _____

*Mailing Address _____ City _____

State _____ Zip _____ Phone _____ Home Ph (optional) _____

AUTHORIZED REPRESENTATIVE (Do not complete if same as Cognizant Official)

This person is designated by the Cognizant Official and is responsible for receiving, completing and signing DMRs, and receiving other correspondence (i.e., city clerk, plant operator). *See the reverse side for requirements.*

Name _____ Title _____

*Mailing Address _____ City _____

State _____ Zip _____ Phone _____ Home Ph (optional) _____

If You Represent this Facility as/for a Contractor, list: Contractor's Name _____

Contractor's Address _____ Phone _____

OPERATOR This person is responsible for the operation and maintenance of the plant. *See the reverse side for requirements.*

Name _____ Title _____ Certification # _____

Mailing Address _____ Phone _____

If You Represent this Facility as/for a Contractor, list: Contractor's Name _____

Contractor's Address _____ Phone _____

***Mailing Address:** DMRs will be mailed to this address. *DO NOT* use home or personal address unless necessary. Please use city/village office address or facility/corporate address, etc. This address should remain the same, even with changes in the facility's Cognizant Official or Authorized Representative.

Facility Name: _____ Permit No. NE _____

COMMENTS

COGNIZANT OFFICIAL SIGNATURE _____ DATE _____

PRINTED NAME OF COGNIZANT OFFICIAL _____

SIGNATORY AUTHORIZATION FORM REQUIREMENTS

Cognizant Official. Nebraska Department of Environmental Quality, Title 119, Chapter 10 and Title 127, Chapter 29. All permit application submitted to the Department shall be signed:

- 001.01 in the case of a corporation, by a principal executive officer of at least the level of vice-president;
- 001.02 in the case of a partnership, by a general partner;
- 001.03 in the case of a sole proprietorship, by the proprietor; and
- 001.04 in the case of a municipal, state or other public facility, by either a principal executive officer or ranking elected official.

Authorized Representative. Nebraska Department of Environmental Quality, Title 119, Chapter 10 and Title 127, Chapter 29
002 All other correspondence, reports and DMRs shall be signed by a person designated in 001.01 through 001.04 above or a duly authorized representative if such a representative is responsible for all the overall operation of the facility from which the discharge originates; the authorization is made, in writing, by the person designated under 001.01 through 001.04 above; and the written authorization is submitted to the Director. Any change in the signatures shall be submitted to the Director. Any change in the signatures shall be submitted to the Department, in writing, within 30 days after the change.

Operator. Nebraska Department of Environmental Quality, Title 123, Chapter 15
001 A competent operator familiar with the principles of wastewater treatment and disposal and skilled in the operation of the plant equipment shall be in charge of each wastewater works. The operator shall make such operations tests as may be specified by the Department.

The operator may be required to be certified according the NDEQ Title 197.

Nebraska Department of Environmental Quality
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